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Prob 12C - SD
(Rev. 05/2017)

UNITED STATES DISTRICT COURT

for the

DISTRICT OF SOUTH DAKOTA

7:19-MJ-0746

U.S.A. vs Dimas DeLeon

Docket No. 3:16CR30101-001

Petition to Revoke Supervised Release

COMES NOW SARAH FRY, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Dimas DeLeon, who was sentenced on 11/14/2016 to 22 months custody, followed by 5 years supervised release by the Honorable Roberto A. Lange United States District Judge, sitting in the Court at Pierre, SD. The original offense was Failure to Register as a Sex Offender, which is a Class C Felony and carries a statutory maximum of 2 years custody upon revocation of Supervised Release. The supervised release commenced on 11/01/2018.

THEREAFTER, NON-COMPLIANT BEHAVIOR OCCURRED RESULTING IN SUPERVISION INTERVENTIONS AS FOLLOWS:

The U.S. Probation Office in the Southern District of Texas agreed to provide courtesy supervision in this case. Mr. DeLeon's term of supervised release commenced in McAllen, TX. He reported the probation office in McAllen on 11/05/2018 for a scheduled appointment. During the appointment, he disclosed he ingested marijuana and cocaine. A urine sample was collected and yielded positive results for the substances. Mr. DeLeon was taken into state custody from the probation office for an outstanding warrant.

The aforementioned information was reported for the Court's review on 11/19/2018 within a Report on Person Under Supervision. The Probation office reviewed his conditions of supervised release with him on 11/09/2018. Additionally, Mr. DeLeon was placed at a residential reentry center (RRC) to attend treatment on 12/04/2018.

Mr. DeLeon was terminated from the treatment program, and the RRC, on 12/11/2018. According to staff reports he was insolent towards staff members, and he was verbally harassing female residents on two occasions. On 12/17/2018 Mr. DeLeon submitted a urine sample which yielded positive results for amphetamines. The sample was submitted to a laboratory and confirmed to be positive on 12/27/2018.

The information within the previous paragraph was submitted for the Court's review on 01/14/2019. Mr. DeLeon was placed on the home detention program. Additionally, he was referred to attend and complete intensive outpatient substance abuse treatment in combination with mental health counseling.

Mr. DeLeon was referred to Tropical Texas Behavioral Health on 02/04/2019. He did initially attend his treatment and mental health session throughout February. Unfortunately, his substance abuse issues persisted, he submitted a urine specimen on 03/01/2019, which yielded positive results for cocaine and marijuana. An additional urinalysis was conducted on 03/13/2019 and yielded positive results for cocaine and marijuana. Mr. DeLeon was instructed to attend group counseling weekly; unfortunately, he missed group sessions on 03/04/2019, 03/11/2019, and 03/18/2019. On 03/26/2019 he arrived for group approximately 45 minutes late, and he was sent away and considered absent.

On 03/28/2019 the Southern District of Texas United States Probation Office notified the United States Probation Office in South Dakota of two previous incidents of drug use by Mr. DeLeon which were not reported to the Court. The first use was an admission on 12/03/2019, based on a urinalysis which tested positive for cocaine, amphetamines, and marijuana. The second unreported drug use was on 12/04/2019 when a urinalysis tested positive for cocaine, amphetamines, and marijuana and was confirmed positive by a laboratory on 12/14/2019. It is unknown if these tests were due to the same use, or separate use. Therefore, they will only be listed as one allegation below.

The non-compliant behaviors described in the paragraphs above are the basis of the corresponding allegations listed below. They are included here to show the pattern of non-compliant behavior and the corresponding corrective measures initiated by the Probation Office.

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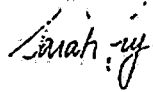
**NOW RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE
AS FOLLOWS:**

1. On or about 11/05/2018, at McAllen, TX, Dimas DeLeon did possess a controlled substance, in violation of Mandatory Condition No. 3 of the Conditions of Supervised Release.
2. On or about 12/03/2018, at McAllen, TX, Dimas DeLeon did possess a controlled substance, in violation of Mandatory Condition No. 3 of the Conditions of Supervised Release.
3. On or about 12/17/2018, at McAllen, TX, Dimas DeLeon did possess a controlled substance, in violation of Mandatory Condition No. 3 of the Conditions of Supervised Release.
4. On or about 03/01/2019, at McAllen, TX, Dimas DeLeon did possess a controlled substance, in violation of Mandatory Condition No. 3 of the Conditions of Supervised Release.
5. On or about 03/13/2019, at McAllen, TX, Dimas DeLeon did possess a controlled substance, in violation of Mandatory Condition No. 3 of the Conditions of Supervised Release.
6. Between 03/04/2019 and 03/26/2019, at McAllen, TX, Dimas DeLeon did fail to participate in substance abuse treatment as directed, in violation of Special Condition No. 2 of the Conditions of Supervised Release on four occasions.

PRAYING THAT THE COURT WILL ORDER a warrant be issued for the arrest and return to Court of Dimas DeLeon for a hearing to determine whether the Order heretofore granting supervised release should now be revoked.

I, Sarah Fry, a Probation and Pretrial Services Officer employed in the U.S. District Court for the District of South Dakota, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct.

Respectfully Submitted,



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